

Transcript of Subsequent Parole
Consideration Hearing,
State of California, Board of Prison Terms
for Tony L. Sims
(July 17, 1997)

SER 28 - 74

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PRISON TERMS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)

CDC Number C-31090

TONY SIMS)

ORIGINAL

CALIFORNIA CORRECTIONAL INSTITUTION, LEVEL II
TEHACHAPI, CALIFORNIA

JULY 17, 1997

8:22 A.M.

PANEL PRESENT:

Mr. Manuel Ortega, Presiding Commissioner
Mr. Steve Baker, Commissioner
Mr. Tom Giaquinto, Commissioner

OTHERS PRESENT:

Mr. Tony Sims, Inmate
Mr. Keith Stanton, Attorney for Inmate
Mr. Myron Jenkins, Deputy District Attorney
Mr. Thomas Hamel, Correctional Counselor
Mr. Rufus Mercer, Correctional Officer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

X

No

Yes

See Errata Sheet

Iris Abernathy, Transcriber

PETERS SHORTHAND REPORTING CORPORATION

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P R O C E E D I N G S

1
2 **PRESIDING COMMISSIONER ORTEGA:** This is a
3 subsequent parole consideration hearing for Tony Sims,
4 CDC number of C-31090, and on 5/29/81, the prisoner
5 was received in CDC pursuant to Penal Code section
6 1168 for violation of Penal Code section 187, first
7 degree, L.A. County case number A-194636, was count
8 seven. The controlling minimum eligible parole date
9 is 8/14/94. Let me also read counts -- There were
10 two additional counts that have been stayed. First,
11 was robbery, armed robbery, Los Angeles County case
12 also, same case number. That was count eight. And
13 also armed with a firearm, 12022(a) of the Penal Code,
14 same county and the same case number. Today's date is
15 7/17/97, and we're located at Tehachapi. The time now
16 is approximately 8:22 A.M. We will establish voice
17 identification by each of us stating our first and
18 last name, spelling our last name, and the prisoner
19 will state his CDC number after spelling his last
20 name. I'll begin, and we'll go to my left. My name
21 is M. Ortega, O-r-t-e-g-a, Commissioner, Board of
22 Prison Terms.

23 **COMMISSIONER BAKER:** Steve Baker, B-a-k-e-r,
24 Commissioner.

25 **COMMISSIONER GIAQUINTO:** Tom Giaquinto, G-i-a-
26 q-u-i-n-t-o, Commissioner.

27 **CORRECTIONAL COUNSELOR HAMEL:** Thomas Hamel, H-

1 a-m-e-l, Correctional Counselor, unit II.

2 INMATE SIMS: Sims, S-i-m-s, C-31090.

3 ATTORNEY STANTON: Keith Stanton, S-t-a-n-t-o-
4 n, attorney for Mr. Sims.

5 DEPUTY DISTRICT ATTORNEY JENKINS: Myron
6 Jenkins, J-e-n-k-i-n-s, Los Angeles County Deputy
7 District Attorney.

8 CORRECTIONAL OFFICER MERCER: Rufus Mercer, M-
9 e-r-c-e-r, Correctional Officer.

10 PRESIDING COMMISSIONER ORTEGA: Okay, the
11 purpose of today's hearing is to again consider your
12 suitability for parole. In arriving at a decision, we
13 will consider the commitment offense, your prior
14 criminality and social history as well as your
15 behavior since your commitment. We have reviewed your
16 central file and the prior transcripts, and we'll
17 first give you an opportunity to make corrections and
18 clarifications to the record. We will then
19 incorporate by reference the statement of fact from
20 the decision summary that was dated 9/1/93, pages six
21 and seven. Then we'll go directly to your progress
22 since the last hearing, the new psychiatric reports
23 and any other information which has a bearing on
24 parole suitability. Any changes in parole plans
25 should be brought to our attention. I'll ask at this
26 time are there any documents that you would like to
27 present at this time, Mr. Stanton?

1 **ATTORNEY STANTON:** Yes, there are, thank you,
2 Commissioner. These all go to his institutional
3 adjustment.

4 **PRESIDING COMMISSIONER ORTEGA:** Yeah, they go
5 to Mr. Giaquinto.

6 **ATTORNEY STANTON:** Okay, thank you, all
7 organized for you.

8 **PRESIDING COMMISSIONER ORTEGA:** Good, thank
9 you. Now, the law and the Board of Prison Terms rules
10 state that you are to be denied a parole date if your
11 release would pose an unreasonable risk or danger to
12 others. Let me review with you your rights at this
13 time, Mr. Sims. You have a right to a timely notice
14 of the hearing, availability for review of your C-
15 file, and a right to present relevant documents, and
16 you also have a right to an impartial Panel. Let me
17 ask you at this time do you have any objections to any
18 member of the Panel seated before you?

19 **INMATE SIMS:** No, I don't.

20 **PRESIDING COMMISSIONER ORTEGA:** All right, is
21 the prisoner's attorney satisfied that the rights have
22 been met?

23 **ATTORNEY STANTON:** I'm satisfied our rights
24 have been met, thank you.

25 **PRESIDING COMMISSIONER ORTEGA:** Thank you. You
26 will receive a copy of the tentative written decision
27 today. And the decision becomes effective 90 days

1 after review. A copy of the transcript and a copy of
2 the decision will be automatically sent. You have a
3 right to appeal the decision within 90 days of the
4 effective date of the decision. Now, let me remind
5 you you are not required to discuss the matter with
6 the Panel, and you're not required to admit to the
7 offense. The Panel does, however, accept as true the
8 court findings. Is any confidential information being
9 used, Mr. Giaquinto?

10 COMMISSIONER GIAQUINTO: I'll let you know.

11 PRESIDING COMMISSIONER ORTEGA: All right. At
12 this time, I also pass to your attorney and also to
13 the district attorney a list of documents. And this
14 list is documents that we're using here to make our
15 decision today along with the statements made by you.
16 Let me ask the district attorney, do you have all
17 those reports?

18 DEPUTY DISTRICT ATTORNEY JENKINS: Yes, I do.

19 PRESIDING COMMISSIONER ORTEGA: Mr. Stanton?

20 ATTORNEY STANTON: I have everything but the
21 confidential folder, thank you.

22 PRESIDING COMMISSIONER ORTEGA: All right,
23 thank you. At this time, Mr. Stanton, will your
24 client be speaking with us today?

25 ATTORNEY STANTON: Yes, he will.

26 PRESIDING COMMISSIONER ORTEGA: Please raise
27 your right hand. Do you solemnly swear or affirm that

1 in the hearing now pending you will tell the truth,
2 the whole truth, and nothing but the truth?

3 INMATE SIMS: I do.

4 PRESIDING COMMISSIONER ORTEGA: All right.
5 This is not first time you've gone through this, Mr.
6 Sims, so there's no need to rehash the case. Very
7 basically, just as an overview, you and three friends
8 were driving around looking for some place to rob.
9 Ultimately, you went into a 7-11 market, a little 7-11
10 store. At which time, I believe, two of your crime
11 partners had taken the victim into another part of the
12 store.

13 INMATE SIMS: Yes.

14 PRESIDING COMMISSIONER ORTEGA: You were at the
15 front counter, I believe, with, with Mr. Cowert
16 (phonetic). Was that who you were with?

17 INMATE SIMS: No, Mr., oh, I think --

18 PRESIDING COMMISSIONER ORTEGA: You were with
19 somebody named Darryl (phonetic)?

20 INMATE SIMS: Darryl. Darryl was at the
21 counter. I was at the front door.

22 PRESIDING COMMISSIONER ORTEGA: Okay.
23 Suddenly, you hear a shotgun blast. You hear glass
24 breaking. And what you find out later is that, it
25 must have been Mr. Cowert and Mr. Williams
26 (phonetic) --

27 INMATE SIMS: Yes.

1 PRESIDING COMMISSIONER ORTEGA: -- had, had
2 executed the store clerk, is that right?

3 INMATE SIMS: Yes.

4 PRESIDING COMMISSIONER ORTEGA: Is that pretty
5 much the way it was?

6 INMATE SIMS: Yes.

7 PRESIDING COMMISSIONER ORTEGA: Okay. How did
8 you get involved in this thing? In reading the
9 report, in reading part of it, it sounds like you were
10 a bit afraid of Mr. Williams.

11 INMATE SIMS: Yes, Mr. Williams was the, was
12 the person that led the neighborhood, that everybody
13 looked up to and scared of. He was (inaudible).

14 PRESIDING COMMISSIONER ORTEGA: Were you a gang
15 member?

16 INMATE SIMS: At that particular time I had
17 called myself stepping away from gang activity, but in
18 reality I was still hanging with the same people so
19 (inaudible).

20 PRESIDING COMMISSIONER ORTEGA: You were raised
21 in what city?

22 INMATE SIMS: Los Angeles.

23 PRESIDING COMMISSIONER ORTEGA: Okay, and what
24 gang was this?

25 INMATE SIMS: Cripps.

26 PRESIDING COMMISSIONER ORTEGA: Cripps? Was it
27 a specific sect of the Cripps?

1 INMATE SIMS: At that particular time, it was
2 Westside (phonetic).

3 PRESIDING COMMISSIONER ORTEGA: Westside? And
4 Mr. Williams, what was his first name?

5 INMATE SIMS: Stanley (phonetic).

6 PRESIDING COMMISSIONER ORTEGA: Okay, he was
7 kind of seen as the leader of the gang? How old were
8 you at the time?

9 INMATE SIMS: Twenty-two.

10 PRESIDING COMMISSIONER ORTEGA: Okay, so you
11 were pretty, a little bit old to be gang-banging,
12 weren't you?

13 INMATE SIMS: Yeah, well, you know, like I was
14 saying before, at 18, when I turned 18 I called
15 myself, decided not to participate in gang activity.
16 And this is what I had told myself when I turned 18,
17 and, but as I said before, I was hanging around with
18 the same crowd, so I guess I was still banging, so to
19 speak, --

20 PRESIDING COMMISSIONER ORTEGA: Sure.

21 INMATE SIMS: -- but I wasn't holding the
22 title.

23 PRESIDING COMMISSIONER ORTEGA: It appears that
24 in this instance Mr. Williams had a .22 caliber
25 revolver?

26 INMATE SIMS: No, he had a shotgun, a sawed-off
27 shotgun.

1 **PRESIDING COMMISSIONER ORTEGA:** Okay, it says
2 in the report, it says "They stopped at another
3 location where Williams obtained a .22 caliber
4 revolver and Williams then gave that to Darryl".

5 **INMATE SIMS:** Yes, he did.

6 **PRESIDING COMMISSIONER ORTEGA:** Okay. Where
7 did the shotgun come from?

8 **INMATE SIMS:** At one point, Williams, I mean,
9 yeah, Williams asked Cowert to take him to get his
10 car. At that point I think is when he got the
11 shotgun. I didn't see the shotgun until we got to the
12 store. I didn't know that he had the shotgun until
13 (inaudible).

14 **PRESIDING COMMISSIONER ORTEGA:** You were in two
15 separate cars?

16 **INMATE SIMS:** Yes, we was.

17 **PRESIDING COMMISSIONER ORTEGA:** Okay, and you
18 were with who? You were with Mr. Cowert?

19 **INMATE SIMS:** I was with Mr. Cowert.

20 **PRESIDING COMMISSIONER ORTEGA:** Okay, and Mr.
21 Williams and the other gentleman who was Darryl?

22 **INMATE SIMS:** Darryl, yes.

23 **PRESIDING COMMISSIONER ORTEGA:** They were in a
24 different car?

25 **INMATE SIMS:** Yes. At first we was all in the
26 same car.

27 **PRESIDING COMMISSIONER ORTEGA:** But you knew

1 you were going to go out and rob?

2 INMATE SIMS: Well, the initial thing was to
3 find some shine, something to get high on. They asked
4 me did I know any place to go out, and I told them no.
5 But after that we was supposed to be going to get some
6 shine.

7 PRESIDING COMMISSIONER ORTEGA: Okay, but you
8 didn't have any money to buy them, so obviously they
9 were thinking of doing something, right?

10 INMATE SIMS: Well, yeah.

11 PRESIDING COMMISSIONER ORTEGA: Okay, because
12 the way the report reads it says "On Wednesday,
13 February 28th, a friend of the prisoner, Alfred
14 (phonetic) Cowert came over asking 'Do you know a
15 place we could rob?'".

16 INMATE SIMS: Yes.

17 PRESIDING COMMISSIONER ORTEGA: And you said
18 "No". And then you left with Cowert and two other
19 individuals, Stanley Williams and a person known by
20 the first name of Darryl to get some sherm cigarettes.
21 The thought was in your mind. You figured they were
22 going out to rob, right, because you say you went to
23 about three or four different locations

24 INMATE SIMS: Well, at that point we did go and
25 get some sherm before the robbery had took place from
26 a friend of Stanley's. I don't think he paid for it.
27 He just gave it to him.

1 **PRESIDING COMMISSIONER ORTEGA:** Were you
2 drinking or just smoking sherms?

3 **INMATE SIMS:** Just smoking sherm.

4 **PRESIDING COMMISSIONER ORTEGA:** You hadn't been
5 drinking that day?

6 **INMATE SIMS:** No.

7 **PRESIDING COMMISSIONER ORTEGA:** You weren't
8 drinking alcohol?

9 **INMATE SIMS:** Not that I recall. I don't think
10 so.

11 **PRESIDING COMMISSIONER ORTEGA:** Okay, this was
12 pretty early. This was probably about noon, was it,
13 in the afternoon?

14 **INMATE SIMS:** No.

15 **PRESIDING COMMISSIONER ORTEGA:** Or was it at
16 night?

17 **INMATE SIMS:** No, it was at night. Yes.

18 **PRESIDING COMMISSIONER ORTEGA:** Okay, so then
19 you, they went in the store. They shotgunned this man
20 to death, and you left then. What happened after you
21 left?

22 **INMATE SIMS:** We went in the store through the
23 orders of Stanley. First we had went into another
24 store, and I tried to use what excuse I could to get
25 out of the robbery because I didn't want to rob the
26 store in the first place. The second store we went
27 to, which was the 7-11, we parked on the side of the

1 street which was the first time I seen Stanley with
2 the shotgun. He took it out to put up under his
3 overcoat, and he came over. I had asked Mr. Cowert to
4 tell Stanley that I didn't want to go in the store
5 because he was more familiar with him. And at this
6 time Mr. Williams made a statement that we was all
7 going in the store. And we pulled in the parking lot
8 of the 7-11, and Mr. Owens (phonetic) was outside
9 sweeping. And Mr. Williams and Mr. Cowert told him to
10 go in the store, and they walked him to the back. I
11 stood by the front door and Darryl was getting money
12 of the cash register. I heard a shot, and I turned
13 around to go out the front door, and I looked behind,
14 and Alfred was coming from the back room, and I asked
15 him what happened, and he told me that Stanley has
16 shot the clerk. I went out the door, and we got in
17 the car, and they got in the car, and Stanley was
18 driving his car. He pulled up on the side of us and
19 told us that he needs to go to, excuse me, to the gas
20 station and get some gas. We got on the freeway. We
21 got off the freeway, pulled up in the gas station, and
22 I asked him what happened, and he said that he had
23 shot the clerk. And I asked him why, and he said
24 because he didn't want to leave no witnesses. At that
25 time I told Alfred to take me home because they wanted
26 to rob something else.

27 **PRESIDING COMMISSIONER ORTEGA:** To your

1 knowledge did they ever go out and rob something else?

2 INMATE SIMS: I don't know.

3 PRESIDING COMMISSIONER ORTEGA: How did you get
4 caught?

5 INMATE SIMS: I was visiting my uncle in
6 Pomona, and, for the weekend, and I had came home, and
7 my mother had told me that Alfred had been calling,
8 and I called him back, and he told me that they wanted
9 to talk to me.

10 PRESIDING COMMISSIONER ORTEGA: "They" being
11 the law?

12 INMATE SIMS: The police wanted to talk to me
13 about the incident. And as soon as I hung up the
14 phone from talking to him, they called me, and they
15 asked me what was my name. I told them and they
16 wanted to talk to me (inaudible) I was walking down
17 the street (inaudible).

18 PRESIDING COMMISSIONER ORTEGA: You have to
19 speak up just a little bit because we have to get it
20 on tape. So when you went in to talk to them, did you
21 tell them what happened?

22 INMATE SIMS: Yes, I did.

23 PRESIDING COMMISSIONER ORTEGA: Did they
24 already know what happened?

25 INMATE SIMS: Yes, they did.

26 PRESIDING COMMISSIONER ORTEGA: Okay, so you
27 admitted to the crime?

1 INMATE SIMS: Yes, I did.

2 PRESIDING COMMISSIONER ORTEGA: How do you feel
3 about it today?

4 INMATE SIMS: I feel extremely bad. Mr. Owens,
5 I, I know it's not much, I mean it's not -- I would
6 never compensate for what happened, but he's always in
7 my prayer along with my brother and my father and my
8 brother and his family, ask for forgiveness.

9 PRESIDING COMMISSIONER ORTEGA: Did you know
10 this man before he was killed?

11 INMATE SIMS: No, I didn't.

12 PRESIDING COMMISSIONER ORTEGA: What do you
13 know about him now?

14 INMATE SIMS: I know he was 24. He was, I
15 think, I'm not for sure, working a part-time job and
16 going to school.

17 PRESIDING COMMISSIONER ORTEGA: So he was just
18 a man starting his life, wasn't he?

19 INMATE SIMS: Yes.

20 PRESIDING COMMISSIONER ORTEGA: Okay, there may
21 be other questions from, from other members of the
22 Board relative to the crime. I'm going to move on to
23 your pre-conviction factors. I want to talk a little
24 bit about your juvenile record. You were arrested the
25 first time it appears to be 1972 for vehicle theft,
26 and you placed on six-month informal probation. How
27 old are you now?

1 INMATE SIMS: I'm 41.

2 PRESIDING COMMISSIONER ORTEGA: Forty-one?

3 INMATE SIMS: Yes, sir.

4 PRESIDING COMMISSIONER ORTEGA: So you were 22
5 at the time of the crime?

6 INMATE SIMS: Yes.

7 PRESIDING COMMISSIONER ORTEGA: Okay. What
8 year were you born in?

9 INMATE SIMS: June 22, '56.

10 PRESIDING COMMISSIONER ORTEGA: '56? So you
11 were about 16 years old when this happened, 15 years
12 old because it happened in January? And in August of
13 1973, again you were arrested for grand theft auto and
14 declared a ward of the court and given HOP. Do you
15 know what that is?

16 INMATE SIMS: No, I don't. I don't recall.

17 PRESIDING COMMISSIONER ORTEGA: Were you put on
18 probation at that time? It could have been maybe
19 "home on probation" or something like that. You
20 weren't put in a camp or anything?

21 INMATE SIMS: No, I've never done any time
22 except for now.

23 PRESIDING COMMISSIONER ORTEGA: Okay. Adult
24 convictions, 11/6/74, you were arrested for carrying a
25 concealed firearm.

26 INMATE SIMS: Yes.

27 PRESIDING COMMISSIONER ORTEGA: And convicted

1 of that? It says you spent 184 days in jail. I
2 assume you probably were.

3 INMATE SIMS: I think it was suspended.

4 PRESIDING COMMISSIONER ORTEGA: It says "served
5 184 days".

6 INMATE SIMS: I really don't remember serving
7 184 days, I really don't (inaudible).

8 PRESIDING COMMISSIONER ORTEGA: Okay, that's
9 what the report --

10 INMATE SIMS: Something transpired. I can't
11 recall exactly what it was, but --

12 PRESIDING COMMISSIONER ORTEGA: Okay, then in
13 January of '75 you were arrested for petty theft by
14 L.A. Sheriffs. March 20, '75, Inglewood P.D. arrested
15 you for robbery. You were not formally charged. You
16 were also charged with false information to police
17 officer, and they couldn't find the victim of the
18 robbery. May of '75, LAPD arrested you for possession
19 of marijuana. You pled guilty, two days in jail with
20 credit for two days served. 2/2/76, LASO, it said
21 visit with controlled substance used. Do you remember
22 what that was all about?

23 INMATE SIMS: No, I don't.

24 PRESIDING COMMISSIONER ORTEGA: Then 8/78, LAPD
25 arrested you for burglary and malicious mischief. It
26 appears that you didn't have any more arrests until
27 you were arrested for this offense.

1 INMATE SIMS: Yes.

2 PRESIDING COMMISSIONER ORTEGA: Is that right?

3 It says here when this report was written, which was
4 back in 1996, that you were a 37-year-old black male
5 born in Mendell (phonetic), Louisiana.

6 INMATE SIMS: Menden (phonetic).

7 PRESIDING COMMISSIONER ORTEGA: Menden?

8 INMATE SIMS: Uh-huh.

9 PRESIDING COMMISSIONER ORTEGA: Well, they must
10 have misspelled that. You're the third of ten
11 children born to the union of Robert (phonetic) Sims
12 and Louise May Grisby (phonetic).

13 INMATE SIMS: Yes.

14 PRESIDING COMMISSIONER ORTEGA: That's your
15 mom. You resided in Louisiana with your parents in
16 '62. At approximately six years of age, you moved to
17 Los Angeles, and where he has remained. Your dad
18 worked as mechanic prior to his death in January of
19 '78, and your mom worked part-time in domestics.

20 INMATE SIMS: Yes.

21 PRESIDING COMMISSIONER ORTEGA: She is
22 currently receiving Social Security Disability
23 payments.

24 INMATE SIMS: Yes.

25 PRESIDING COMMISSIONER ORTEGA: You had one
26 brother, David, who died of a drug overdose in '78.

27 INMATE SIMS: Yes.

1 **PRESIDING COMMISSIONER ORTEGA:** You have three
2 brothers, Gary (phonetic), Robert (phonetic), Matthew
3 (phonetic), who have a past history of criminal
4 activity. Robert and Matthew are currently
5 incarcerated, Robert in Pelican Bay State Prison, and
6 Matthew in CYA. What did Robert do?

7 **INMATE SIMS:** He has murdered.

8 **PRESIDING COMMISSIONER ORTEGA:** Okay, so he's
9 kind of serving the same charge you are.

10 **INMATE SIMS:** Yeah.

11 **PRESIDING COMMISSIONER ORTEGA:** And what's
12 Matthew in CYA for or what was he in CYA for?

13 **INMATE SIMS:** He was in CYA for attempted
14 murder. I'm not sure if that's what it is.

15 **PRESIDING COMMISSIONER ORTEGA:** It's kind of
16 tough on your mom, isn't it?

17 **INMATE SIMS:** Yeah.

18 **PRESIDING COMMISSIONER ORTEGA:** Having all her
19 sons in prison for murder. Your half-sister, Joyce
20 Jackson (phonetic), is married with two children,
21 residing in L.A. Your brother, Gary Sims, 31, resides
22 with your natural mother in Los Angeles and is
23 employed at an unknown location.

24 **INMATE SIMS:** He's deceased.

25 **PRESIDING COMMISSIONER ORTEGA:** He's what?

26 **INMATE SIMS:** He's deceased.

27 **PRESIDING COMMISSIONER ORTEGA:** Oh, is he?

1 INMATE SIMS: Yeah.

2 PRESIDING COMMISSIONER ORTEGA: What did he die
3 of?

4 INMATE SIMS: He died in '95.

5 PRESIDING COMMISSIONER ORTEGA: What did he die
6 of, do you know?

7 INMATE SIMS: No, somebody killed him.

8 PRESIDING COMMISSIONER ORTEGA: Somebody killed
9 him? Was he a gang member, or was he --

10 INMATE SIMS: I don't know. I hadn't seen him
11 in a while.

12 PRESIDING COMMISSIONER ORTEGA: Yeah, so you
13 hadn't seen him in quite some time. Well, how many
14 kids are left alive or not in jail now for your mom?

15 INMATE SIMS: My two brothers are deceased, and
16 me and Robert are the only ones in prison.

17 PRESIDING COMMISSIONER ORTEGA: Okay, out of
18 ten kids, so she's got four that she doesn't see?

19 INMATE SIMS: Yes.

20 PRESIDING COMMISSIONER ORTEGA: That's a shame.
21 Are you still married?

22 INMATE SIMS: No, I'm not.

23 PRESIDING COMMISSIONER ORTEGA: Okay, it says
24 you were here and you were married in 1981. At that
25 time the marriage was still intact. That was back in
26 1996. You're divorced now?

27 INMATE SIMS: Yes.

1 **PRESIDING COMMISSIONER ORTEGA:** One child,
2 Tinisha (phonetic), your daughter. Do you keep in
3 contact with her?

4 **INMATE SIMS:** Yes, when I can, when I can catch
5 up with her. I have a son, too.

6 **PRESIDING COMMISSIONER ORTEGA:** Do you have a
7 son? From this marriage?

8 **INMATE SIMS:** No.

9 **PRESIDING COMMISSIONER ORTEGA:** Okay. It says
10 here you transferred, 1973, you transferred to
11 Washington High School and completed the 11th grade,
12 dropped out of school due to embarrassment of low
13 academic success. "1973, at age 16 years, the
14 prisoner entered the Job Corps Auto Mechanics program
15 at the Utah Center, completed five months and was
16 discharged. Was that the end of the program, or just
17 you weren't being able to pull it off?

18 **INMATE SIMS:** I got discharged for fighting.

19 **PRESIDING COMMISSIONER ORTEGA:** Okay, attended
20 Central City Adult School in 1978 until arrested in
21 the present matter. Your work history, employed for
22 temporary help agencies doing a variety of odd jobs.
23 "1977, worked at L.A. Greyhound Bus Depot as a baggage
24 clerk for about one year, was fired due to
25 noncompliance of supervisor's directives. "1978, went
26 back to work for temporary help agency doing odd jobs,
27 and was also employed for a friend's father doing work

1 until incarceration. Sims denies prior alcohol abuse.
2 He admits to using amphetamines and other illegal
3 drugs beginning at approximately 12 years of age. He
4 began using PCP at approximately the age of 16 on a
5 daily basis. As a youth, subject indicates he was
6 under the influence the majority of the time. Sims
7 claims he has no physical or emotional problems at
8 this time." So you dropped out of school?

9 INMATE SIMS: Yes, I did.

10 PRESIDING COMMISSIONER ORTEGA: Using drugs
11 pretty heavy.

12 INMATE SIMS: Yes, real heavy.

13 PRESIDING COMMISSIONER ORTEGA: Okay. I have
14 no further questions at this time. I'm going to ask
15 you to direct your attention to Mr. Giaquinto, who
16 will talk to you about what you've done since you've
17 been in prison.

18 INMATE SIMS: Okay.

19 COMMISSIONER GIAQUINTO: The last time you
20 appeared before the Board was May of '96. You were in
21 Machine Shop at the time. You haven't completed that.
22 Seventy-seven percent of it's been completed.

23 INMATE SIMS: Yes.

24 COMMISSIONER GIAQUINTO: You have skills in a
25 couple of areas like saws and lathes and that. Why
26 didn't you complete it?

27 INMATE SIMS: Because at the time the equipment

1 that was needed to, CMC (phonetic) machine that was
2 needed to complete it was not in operation.

3 COMMISSIONER GIAQUINTO: Okay, and you haven't
4 completed a vocation that I can tell. You didn't
5 complete the computer stuff, either, did you?

6 INMATE SIMS: Yes, I did.

7 COMMISSIONER GIAQUINTO: The whole thing?

8 INMATE SIMS: Yes, I did.

9 COMMISSIONER GIAQUINTO: I saw six or seven
10 increments of it.

11 INMATE SIMS: No, I have a completion
12 certificate.

13 COMMISSIONER GIAQUINTO: And what was that in?

14 INMATE SIMS: Corcoran.

15 COMMISSIONER GIAQUINTO: No, what was the
16 course? Was that Informational Technology and
17 Programming?

18 INMATE SIMS: Yes. Yes.

19 COMMISSIONER GIAQUINTO: That was the name of
20 the vocational course?

21 INMATE SIMS: Yes.

22 COMMISSIONER GIAQUINTO: Okay, yeah, you did
23 complete that. And let's see, you're in Dry Cleaning
24 now?

25 INMATE SIMS: No, we're not allowed to.

26 COMMISSIONER GIAQUINTO: No more jobs, huh?

27 INMATE SIMS: Yes.

1 **COMMISSIONER GIAQUINTO:** You're not in a
2 vocation?

3 **INMATE SIMS:** No, not now.

4 **COMMISSIONER GIAQUINTO:** I knew they weren't --

5 **INMATE SIMS:** I was in a vocation before the,
6 before they restricted us from going to certain areas.

7 **COMMISSIONER GIAQUINTO:** Okay. All right,
8 you've been involved in Value Clarification and
9 Responsibility Development, group therapy, right?

10 **INMATE SIMS:** Yes.

11 **COMMISSIONER GIAQUINTO:** And you've got a
12 couple of laudatory chronos that are in your file.
13 Well, you've had many in the past, and those had to do
14 with your participation in ROCK and things like that.
15 NA, the last chrono I saw was September of '96. Are
16 you still involved in that?

17 **INMATE SIMS:** Yes.

18 **COMMISSIONER GIAQUINTO:** And do you know the 12
19 steps?

20 **INMATE SIMS:** Yes, I do.

21 **COMMISSIONER GIAQUINTO:** And you've had quite a
22 problem with drugs, heroin, also, right?

23 **INMATE SIMS:** Yes.

24 **COMMISSIONER GIAQUINTO:** And cocaine?

25 **INMATE SIMS:** Uh-huh.

26 **COMMISSIONER GIAQUINTO:** Which step do you work
27 most commonly?

1 **INMATE SIMS:** Four and ten.

2 **COMMISSIONER GIAQUINTO:** Okay. Your most
3 recent psychiatric report written by Dr. McDill says
4 under axis one "Psychoactive substance abuse in
5 institutional remission". Axis two is "Anti-social
6 personality disorder resolved with age". And he says
7 here in part "He takes responsibility for his
8 complicity in the crime. He did not try to squirm out
9 of any burden of responsibility. His likelihood of
10 re-offense is below-average for this inmate
11 population. The indicators of change in this case are
12 pointing in all the right directions, and his
13 behavioral bodes and predicts --" I think he means
14 "His behavior bodes and predicts positively for this
15 inmate if and when released". Your classification
16 score is zero. The last time you had a 115 was
17 11/12/89. Anything else we should know about your
18 programming?

19 **INMATE SIMS:** It's just completely all right
20 now. I've, you know, tried to follow what, what's
21 required of me for the Board and for myself, but right
22 now I'm just waiting to see what happens.

23 **COMMISSIONER GIAQUINTO:** You're going to get
24 transferred, right?

25 **INMATE SIMS:** Yes, eventually.

26 **COMMISSIONER GIAQUINTO:** Pretty soon, I would
27 imagine. All right, that's all I have.

1 **PRESIDING COMMISSIONER ORTEGA:** Okay, I'll
2 direct your attention to Mr. Baker, who will talk to
3 you about your plans.

4 **COMMISSIONER BAKER:** Good morning, Mr. Sims.

5 **INMATE SIMS:** Good morning, Mr. Baker.

6 **COMMISSIONER BAKER:** What are you going to do
7 when you get out of here?

8 **INMATE SIMS:** I have a variety of things I want
9 to do. As you know, I want to work with kids. I have
10 a job offer by Mr. Charles Lovely (phonetic).

11 **COMMISSIONER BAKER:** Doing what?

12 **INMATE SIMS:** Working with kids.

13 **COMMISSIONER BAKER:** Is that a volunteer job?
14 That's not one you get paid for, right?

15 **INMATE SIMS:** Well, I'm pretty sure with the
16 circumstances I'd be paid and --

17 **COMMISSIONER BAKER:** You're going to live with
18 your mom, are you?

19 **INMATE SIMS:** Yes, I'm going to have to for a
20 while.

21 **COMMISSIONER BAKER:** When you first get out.

22 **INMATE SIMS:** Yeah, due to the situation as far
23 as me and my wife being divorced. Me and my son's
24 mother, Gina Windom (phonetic), I think we might get
25 married once I'm out.

26 **COMMISSIONER BAKER:** You're going to wait until
27 you get out to do that?

1 INMATE SIMS: Yes, I think so.

2 COMMISSIONER BAKER: All right, and how old is
3 your son?

4 INMATE SIMS: My son is 23.

5 COMMISSIONER BAKER: What's he do?

6 INMATE SIMS: He just got out of prison.

7 COMMISSIONER BAKER: Oh, he did?

8 INMATE SIMS: Yeah, but he has a job, and he
9 works for Goodyear.

10 COMMISSIONER BAKER: Okay. Are you in contact
11 with him?

12 INMATE SIMS: Yes, I am.

13 COMMISSIONER BAKER: How much time did he do?

14 INMATE SIMS: I think he did four and a half
15 years.

16 COMMISSIONER BAKER: Do you think you're going
17 to be able to keep him out now?

18 INMATE SIMS: I'm trying. I'm trying
19 everything I can. I mean it's, it's kind of hard
20 because all I can do is, is write him a letter or talk
21 to him for 15 minutes on the phone. And I try to
22 instill some positive thoughts and something to keep
23 going, to stay positive. Hopefully, it will work. I
24 don't know.

25 COMMISSIONER BAKER: Yeah, good luck.

26 INMATE SIMS: Thanks.

27 COMMISSIONER BAKER: All right, 3042 notices

1 went out. These are notices that go out to anybody in
2 the criminal justice system that would be interested
3 in your case today. We do have one from the Sheriff's
4 Department of Los Angeles County, and in part it says
5 "The reported actions of inmate Sims demonstrates his
6 violent nature and his disregard for human life.

7 Although inmate Sims did not pull the trigger, he was
8 a willing participant in the brutal, senseless murder
9 of the victim, Owens. It's the opinion of the Los
10 Angeles County Sheriff's Department that inmate Sims
11 would present a significant threat to our community
12 should he be released. In accordance, we recommend
13 that parole be denied." And that's by Don (phonetic)
14 Mauro, M-a-u-r-o, Captain of the Homicide Bureau for
15 Sherman Block (phonetic), Sheriff. And then I've got
16 several letters of support for you here. I've got one
17 from your mother, Louise, and she writes a real nice
18 letter. She'll give you all the support she can when
19 you get out of prison. And then Marie Brown
20 (phonetic), that's one of your --

21 INMATE SIMS: Sisters.

22 COMMISSIONER BAKER: -- sisters, is it? Okay

23 INMATE SIMS: Yeah.

24 COMMISSIONER BAKER: And she also writes a real
25 nice letter, and willing to help you out in any way
26 she can. And another sister, Charlene (phonetic)?

27 INMATE SIMS: Yes.

1 **COMMISSIONER BAKER:** Okay, and again she writes
2 a real nice letter, and she's very supportive. And
3 another sister, Helen (phonetic)?

4 **INMATE SIMS:** Yes.

5 **COMMISSIONER BAKER:** Very supportive. Agaline
6 (phonetic)?

7 **INMATE SIMS:** Yes.

8 **COMMISSIONER BAKER:** Okay, that's another
9 sister, is it?

10 **INMATE SIMS:** Yes.

11 **COMMISSIONER BAKER:** Writes a nice letter, too.
12 She's very supportive. And then Charles Lovely, I got
13 his letter here, and he does offer a job, and he's
14 very supportive, too. Where do you know him from?

15 **INMATE SIMS:** I've been knowing Charles, oh,
16 since I was, I think, about age 15, and he was like,
17 he was always like a street counselor.

18 **COMMISSIONER BAKER:** Was he?

19 **INMATE SIMS:** Yes, he was always trying to keep
20 us out of trouble, take us on camping trips and stuff
21 like that.

22 **COMMISSIONER BAKER:** Okay. I've got another
23 letter here. I'm having trouble with the signature.
24 I'm not sure who that is.

25 **INMATE SIMS:** Oh, that's, okay, that's Regina
26 Windham (phonetic).

27 **COMMISSIONER BAKER:** Okay, who's she?

1 INMATE SIMS: That's my son's mother.

2 COMMISSIONER BAKER: Your son's mother? Okay.
3 She writes a nice letter, too, and she's supportive.
4 And then Debra Collins (phonetic)?

5 INMATE SIMS: Yes.

6 COMMISSIONER BAKER: Who is she?

7 INMATE SIMS: She's a friend.

8 COMMISSIONER BAKER: Okay. She talks about how
9 you've bettered yourself through your education. And
10 then Diane Brown (phonetic)?

11 INMATE SIMS: Yes. She's the cousin of Regina
12 Windham. I've been knowing her for like (inaudible).

13 COMMISSIONER BAKER: Okay, and she writes a
14 real nice letter, too. So it looks like you've got a
15 lot of family support out there, and you've got a lot
16 of support from friends and so on. So anything else
17 that you, I should know about when you get out?

18 INMATE SIMS: No, other than I plan to, you
19 know, be as positive as I can, to be a positive to the
20 community, to society.

21 COMMISSIONER BAKER: Okay. Just real quick,
22 you know, everybody that comes in here, almost, tells
23 us when they get out the first thing they want to do
24 is go work with kids. And kind of interesting to me,
25 I mean when they were a kid nobody could tell them
26 anything, so I don't know what makes them think
27 they're going to be able to do any good, but be that

1 as it may, my suggestion is that you make sure you get
2 your own self squared away completely before you ever
3 start trying to help somebody else. You know, make
4 sure that you're, you're set, you're solid, --

5 INMATE SIMS: Right.

6 COMMISSIONER BAKER: -- before you do that.

7 INMATE SIMS: Okay.

8 COMMISSIONER BAKER: All right, I'll return you
9 to the Chair.

10 PRESIDING COMMISSIONER ORTEGA: Thank you. Any
11 questions, Mr. Giaquinto?

12 COMMISSIONER GIAQUINTO: Yes. You knew that
13 your crime partners were armed, right?

14 INMATE SIMS: I knew (inaudible), yes, I did.

15 COMMISSIONER GIAQUINTO: And you knew the other
16 crime partner had a shotgun?

17 INMATE SIMS: Not until we got to the location.

18 COMMISSIONER GIAQUINTO: That's the first time
19 you knew about it?

20 INMATE SIMS: That's the first time I seen the
21 shotgun.

22 COMMISSIONER GIAQUINTO: Well, you know, I read
23 through this thing, and I listened to your story, and,
24 you know, sound very soft-spoken and very innocent,
25 kind of, almost like you were duped into this thing,
26 except that you were a robber that had guns in your
27 possession before. You people were out capering. You

1 helped plan this crime. And it was interesting to
2 read the appellate court because the one judge goes on
3 and on about you and says that -- Cowert testified
4 against you, right?

5 INMATE SIMS: Right, yes, he did.

6 COMMISSIONER GIAQUINTO: And well, let me try
7 to put this in order. First of all, after the
8 shooting went down, you wanted your money. That's in
9 the appellate decision,

10 INMATE SIMS: (Inaudible.)

11 COMMISSIONER GIAQUINTO: -- so don't start
12 lying to me because it's only going to go downhill
13 from here. So you were so startled that this guy got
14 executed that you wanted your money. You wanted more
15 money than they gave you, is that right?

16 INMATE SIMS: I think I did (inaudible).

17 COMMISSIONER GIAQUINTO: Well, you did. That's
18 in the appellate decision. You can refer to page
19 four. And then the justice goes on to say here that,
20 and when driving away you asked him, Cowert, if
21 Williams shot the gun, why he shot the clerk, and
22 appeared to be startled. "The evidence shows that in
23 fact the defendant was not --" This is because you
24 had told them you were startled when you drove away.
25 You said "Well, that startled me when somebody got
26 shot". "But the evidence shows the defendant was not
27 the fearful, reluctant participant he claimed to be in

1 his testimony, and claims here. As a matter of fact,
2 the defendant's version of what occurred in this
3 arrest offense was rejected by the trial court as was
4 his testimony in that of Cowert that he really didn't
5 want to rob anyone. The record establishes that the
6 defendant willingly went along with Williams, Darryl
7 and Cowert to Pomona to find places to rob and to make
8 money by committing robberies knowing that Williams
9 was violent, would kill anyone when they got in his
10 way, and that Williams carried a loaded shotgun, and
11 Darryl a .22 caliber revolver." That's part of the
12 justice's statement. But there's a whole picture
13 painted there of you being much more than you've
14 depicted at these hearings, this innocent young man
15 who was just duped into doing this and startled by
16 some crime partners he's with who execute this man.
17 And according to the justice and according to the
18 trial court, that's B.S. In fact, the trial judge
19 sentenced you to life without possibility of parole,
20 and somebody else went to death row. Then on appeal,
21 there was dissenting opinions between the justices.
22 Interestingly enough, though, in this justice's
23 opinion, he points to specific testimony in the trial.
24 You had used guns in the earlier robberies, and you
25 weren't startled by that use of guns in the earlier
26 robberies. According to the justice, you fully knew
27 that the, your partner intended, and you expected

1 Darryl to use a gun in robbing a store. And in fact,
2 in one store, your crime partner didn't pull out the
3 gun, so you walked out of the store. And then the
4 justice goes on to state here on page five "The
5 evidence of this robbery establishes a well-
6 orchestrated and planned robbery in which each
7 participant had his role. The defendant entered first
8 and stationed himself at the front of the counter as a
9 lookout. Darryl went behind the counter to clean out
10 the cash register. Williams, armed with a loaded
11 shotgun, and Cowert took care of the clerk, escorting
12 him to the back room where Williams promptly killed
13 him. Then they all filed out of the store." You
14 first, and the rest of them behind you. And then you
15 rode around for a while, and you split up the loot.
16 Extremely callous, felonious, murderous intention by
17 all of you. You were so startled, you said "Well, I
18 want more dough than you're giving me". Isn't that
19 the truth what happened there in that appellate
20 decision where they depicted that the evidence that
21 they extracted from the trial, from the transcripts
22 and the testimony of the witnesses and yourself?

23 **INMATE SIMS:** I'd like to say that ever since
24 I've been coming to these hearings, I've never tried
25 to downplay my responsibility for Mr. Owens. I've
26 never tried to lie about anything. I always tried to
27 be truthful about the incidents. The incident wasn't

1 planned.

2 COMMISSIONER GIAQUINTO: It wasn't planned?

3 INMATE SIMS: No.

4 COMMISSIONER GIAQUINTO: Well, you know what,
5 Mr. Sims? We don't even need to talk anymore. You
6 need to read that appellate decision. The trial
7 court, the finders of fact, and the appellate
8 justices, even though they dissented in some areas
9 about whether you should go to death row or not, there
10 was one consistent theme there. There was pre-
11 planning. You were a robber. These were your crime
12 partners. This was a routine thing that you guys did.
13 You did it armed. You were 20-some-odd years old.
14 You weren't any babe in the woods. You had been
15 arrested numerous times before that. And to depict
16 yourself as some innocent little babe in the woods,
17 startled and intimidated and under duress by some
18 other robbers is a bunch of baloney. The appellate
19 court didn't believe it, and I don't believe it.
20 That's all I have.

21 PRESIDING COMMISSIONER ORTEGA: Mr. Baker?

22 COMMISSIONER BAKER: I have nothing, thank you.

23 PRESIDING COMMISSIONER ORTEGA: Just one
24 question that I have, Mr. Sims, a little bit about --
25 I notice that you had a suicide attempt in 1981.

26 INMATE SIMS: Yes, I did.

27 PRESIDING COMMISSIONER ORTEGA: What was going

1 through your mind at that time?

2 INMATE SIMS: I don't know.

3 PRESIDING COMMISSIONER ORTEGA: You were at San
4 Quentin or Folsom?

5 INMATE SIMS: I was in Folsom. The whole
6 ordeal, I guess, the whole situation.

7 PRESIDING COMMISSIONER ORTEGA: The whole
8 situation being your incarceration or your, your
9 involvement in the crime or what?

10 INMATE SIMS: Everything. Everything at that
11 particular point.

12 PRESIDING COMMISSIONER ORTEGA: Okay, I have no
13 further questions. Any questions of the district
14 attorney?

15 DEPUTY DISTRICT ATTORNEY JENKINS: No.

16 PRESIDING COMMISSIONER ORTEGA: Any questions
17 of your client, Mr. Stanton?

18 ATTORNEY STANTON: No, I have no questions,
19 thank you.

20 PRESIDING COMMISSIONER ORTEGA: Closing from
21 the district attorney?

22 DEPUTY DISTRICT ATTORNEY JENKINS: Just, I
23 concur with observations of Commissioner Giaquinto,
24 that the defendant, as opposed to being a frightened,
25 bullied, unwilling participant, was part and parcel of
26 a group of people on a crime spree. The defendant
27 needs to fully admit and be more forthright about that

1 role that he played. He appears to be programming
2 well, but he still needs more time before he wouldn't
3 be a significant danger to society, that this crime
4 was carried out in a very well planned-out fashion,
5 with everybody having his role to play. And I believe
6 that in some of his statements he did make to the
7 police, that he did, was aware that Mr. Williams had a
8 reputation for being willing to take a life if needed.
9 And obviously when you go on a robbery with a person
10 with that reputation, armed with a shotgun, it isn't
11 surprising at all, more than likely it's planned out
12 that someone is going to die. Submit it.

13 PRESIDING COMMISSIONER ORTEGA: Thank you. Mr.
14 Stanton?

15 ATTORNEY STANTON: Let's go down the list here.
16 The first, regarding Mr. Sims' juvenile record, it's
17 not particularly serious, and what's important to note
18 is that there's no record of assaultive or violent
19 behavior as a juvenile. Regarding his social history,
20 he was working at the time of the crime at a temporary
21 agency. He was attending adult school. He comes from
22 a close family. He has many stable relationships with
23 family and friends and liked playing basketball and
24 football, regularly attended church. So he has had a
25 fairly stable social history in the past. He's
26 expressed sincere and intense remorse from the
27 beginning. I think most of the support letters agree

1 with that. He had just lost his father and brother.
2 I think he thinks about this daily and understands
3 completely the nature and magnitude of the offense,
4 which also shows insight. Regarding the crime itself,
5 it's important to note that he may have used guns, but
6 he never shot anyone. He was not the shooter here.
7 He was a 22-year-old, obviously was induced to some
8 degree to participate in this crime, while he was
9 intoxicated to some degree. And I think it's also
10 significant no one has argued the fact that he was
11 definitely afraid of his co-defendant in this
12 particular instance. The evidence is that he was not
13 the initiator of the idea. He went along with a very
14 bad and tragic plan. And I also note that in the
15 record it says that he also wanted to go home after,
16 while the others went out and continued in the crime
17 spree. I think there was substantial emotional stress
18 involved on Mr. Sims at that time. He has no adult
19 history of violence or serious criminal behavior.
20 Many of the arrests that were read in the record did
21 not culminate in convictions. He's a first-termer.
22 His current age of 41, I believe, would make
23 recurrence of any kind of unreasonably dangerous,
24 criminal or otherwise dangerous activity, highly
25 unlikely. He was 22 at the time of the crime. His
26 institutional behavior has been excellent. He's
27 remained disciplinary-free, which was requested by the

1 prior Panel. He's had no 115s since 1989. He's
2 received his GED in 1989, so he's upgraded
3 educationally. He continues to read books. He's
4 attended several self-help and therapy groups. He's
5 still attending NA. He's volunteered his time by
6 tutoring, taking part in the ROCK program. And the
7 current psychological report, the doctor feels that
8 his likelihood of re-offense is below-average for this
9 inmate population. It's a level II institution, so
10 it's quite a statement. The report itself is highly
11 favorable. It says his axis two anti-social
12 personality disorder is resolved. Since his last
13 hearing, he's attended self-help. He's continued with
14 vocational upgrading. He's read books to continue, as
15 I just said. He's participated in ROCK as well, and
16 involved himself in academic programs to raise his
17 grade point level. His understanding and plans for
18 the future are good. He has developed marketable
19 skills in computer, using word process. He's also
20 studied Dry Cleaning, Silkscreen and Machine Shop.
21 He's arranged for a place to live in Los Angeles with
22 his mother. He has support, as Commissioner Baker
23 pointed out, and a job offer. I would submit that his
24 plans are concrete and workable. I was Mr. Sims'
25 attorney on the last hearing. He was commended by the
26 Panel that was quite impressed with his programming.
27 Since then, he's complied with all the requests. He's

1 served 18 years now for a crime which he really,
2 regardless of how it was planned -- I mean I wasn't
3 there. I really don't know how it went down, but it's
4 clear he wasn't the shooter. He was a passive
5 participant, and he's served 18 years for that now,
6 with an excellent performance record in prison. I
7 think he was a kid that got in trouble once in a
8 while, but not a killer. He's 41 years old now. I
9 think he just wants to return to a normal, productive
10 life. He's learned his lesson, and I would submit
11 that he's paid for his percentage of involvement in
12 this type of crime. I submit it based on that, thank
13 you.

14 PRESIDING COMMISSIONER ORTEGA: Thank you. Mr.
15 Sims, is there anything you'd like to say or add to
16 your suitability for parole that has not been covered
17 by your attorney?

18 INMATE SIMS: I would like to say I can never
19 downplay what happened. Regardless of what happens
20 here, when I go back to, to my cell, I mean to my dorm
21 or whatever, Mr. Owens and his family will continue to
22 be in my prayers. It's not a game to me. I'm not
23 proud of what happened to Mr. Owens, and I do regret
24 it.

25 PRESIDING COMMISSIONER ORTEGA: That's it? All
26 right, thank you. We're going to recess at this time.
27 The time is approximately 9:05. We'll call you back

PRISONER DECISION FACE SHEET

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR

MO

DAY

ed Period of Confinement

Life Term Begins

ge Time

LE DATE

MISCELLANEOUS

panel recommendations and requests:

Become ☒ Remain disciplinary free.
Work towards reducing his/her custody level.
Upgrade ☒ vocationally ☒ educationally.
Participate in ☒ self-help (and) ☒ therapy.
Transfer to ☐ Cat. X ☐ Cat. T.

1 YR. DENIAL

CODE SECTION 3042 NOTICES

☒ SENT

(Date) May 13, 1997

TMENT OFFENSE

PC187
(Code Section)Murder 1st
(Title)A194636
(Case Number)07
(Count Number)

received by CDC

Date Life Term Begins

Controlling MEPD

29, 1981

May 29, 1981

August 14, 1994

f Hearing

INITIAL ☒ SUBSEQUENT (Hearing No.) #3

If Subsequent Hearing, Date of Last Hearing

May 1, 1996

ment Representative

il for Prisoner

h Stanton

Address

333 Washington Blvd., Ste. 421, Marina Del Rey

CA 90292

Attorney Representative

n Jenkins

County

Los Angeles

PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

ig (Name)

Date

ing (Name)

Date

ing (Name)

Date

CDC NUMBER

INSTITUTION

CALENDAR

HEARING DATE

C31090

CCI-II

07/97

07/17/97

, Tony

LIFE PRISONER: PAROLE CONSIDERATION
PROPOSED DECISION (BPT §2041)

I. ☒ PAROLE DENIED *1 YR.*

If this proposed decision denying parole is approved, the Board will send you a copy of the approved decision, including the reasons for denial of parole, within 30 days of the hearing.

II. ☐ PAROLE GRANTED

A. Base Period of Confinement Months

Case No. Count No. Offense

B. Firearm Enhancement + Months

C. Other Crimes Total + Months

Case No. Count No. Offense mos.

Case No. Count No. Offense mos.

Case No. Count No. Offense mos.

D. Total Term = Months

E. Postconviction Credit From (Date) To (Date) Months

F. Total Period of Confinement = Months

The period of confinement indicated is a tentative decision proposed by this panel. The decision will be reviewed pursuant to BPT §2041, and, if approved, a copy of the approved decision will be sent to you within 30 days. At that time appropriate pre-prison credits will be applied and a parole release date computed.

You will not engage in any conduct specified in BPT §2451. Such conduct may result in rescission or postponement of your parole date.

If the proposed decision denying or granting parole is disapproved, you will receive a copy of the proposed decision and the reasons for disapproval. You will then receive a copy of the modified decision or will be scheduled for a new hearing, as appropriate.

PANEL HEARING CASE

<i>[Signature]</i>	Date <i>7/17/97</i>
<i>[Signature]</i> (Current 2 years)	Date <i>7/17/97</i>
<i>[Signature]</i>	Date <i>7/17/97</i>
CCD, Tony	CDC NUMBER C31090
	INSTITUTION CCI-II
	HEARING DATE 07/17/97

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

1 **PRESIDING COMMISSIONER ORTEGA:** Okay, we're
2
3 back on record, and the time is approximately ten
4 minutes past 9:00. All those persons that were here
5 earlier have returned to the hearing room. And the
6 Panel has reviewed all the information received from
7 the public and relied on the following circumstances
8 in concluding that the prisoner is not suitable for
9 parole and would pose an unreasonable risk of danger
10 to society and a threat to public safety if released
11 from prison. Number one was the commitment offense.
12 It was carried out in an especially cruel and callous
13 manner. It was carried out in a manner which exhibits
14 a callous disregard for the life and the suffering of
15 another. And these conclusions were drawn from the
16 statement of facts wherein the prisoner, along with
17 three crime partners, went into a small 7-11 market,
18 and at that time, while the prisoner stood guard at
19 the door, his crime partners took the individual in
20 the back room and executed him with a shotgun blast,
21 killing him instantly. His previous record, the
22 prisoner has a record of violence or assaultive
23 behavior and an escalating pattern of criminal conduct
24 and violence, a persistent pattern of tumultuous
25 relationships and criminal behavior which commenced at
26
27 **TONY SIMS C-31090 DECISION PAGE 1 7/17/97**

1 an early age, and an unstable social history. Also,
2 he's failed previous grants of probation, and he
3 failed to profit from society's previous attempts to
4 correct him through that juvenile probation. He had
5 an unstable social history and prior criminality which
6 included arrests for auto theft, for burglary, for
7 robbery and for carrying a concealed weapon. The
8 prisoner has not participated in beneficial self-help
9 and / or therapy programs while he's been
10 incarcerated. The Panel makes the following findings,
11 the prisoner needs therapy in order to face, discuss,
12 understand and cope with stress in a nondestructive
13 manner, and until progress is made, the prisoner
14 continues to be unpredictable and a threat to others.
15 And the prisoner's gains that he has made are recent,
16 and he must demonstrate an ability to maintain gains
17 over an extended period of time. Nevertheless, the
18 prisoner should be commended for remaining
19 disciplinary-free since 1989, for his achieving the
20 Vocational Silkscreening certificate, also for
21 achieving his GED in 1989. However, these positive
22 aspects of his behavior do not outweigh the factors of
23 unsuitability. This is going to be a majority
24 decision. It's going to be a one-year denial, and
25 what I like you to do is to, for the next hearing,
26 remain disciplinary-free, continue to upgrade

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1 vocationally and educationally. I know that you're
2 going to get transferred in the very near future.

3 INMATE SIMS: Yes.

4 PRESIDING COMMISSIONER ORTEGA: And maybe
5 you'll get to an institution where you'll be able to
6 work as well as find some more vocational aspects of
7 work that you can do, and participate in as many self-
8 help and therapy programs as become available to you,
9 so that you can understand, basically what Mr.
10 Giaquinto was talking about. This will conclude the
11 hearing, but I want to ask Mr. Baker do you have any
12 comments to make?

13 COMMISSIONER BAKER: No, I have no comments.
14 Keep up the good work, though.

15 INMATE SIMS: Thank you.

16 PRESIDING COMMISSIONER ORTEGA: Mr. Giaquinto?

17 COMMISSIONER GIAQUINTO: No, thanks.

18 PRESIDING COMMISSIONER ORTEGA: All right.
19 With that, we'll conclude the hearing. And thank you
20 very much, and we'll go off the record now at
21 approximately 9:14.

22 INMATE SIMS: Thank you.

23 --oOo--

24
25 PAROLE DENIED ONE YEAR

26 EFFECTIVE DATE OF THIS DECISION SEP 18 1997

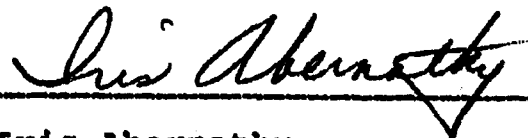
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CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, Iris Abernathy, a duly designated transcriber, PETERS SHORTHAND REPORTING CORPORATION, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 42, and which recording was duly recorded at CALIFORNIA CORRECTIONAL INSTITUTION, LEVEL II - TEHACHAPI, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF TONY SIMS, CDC No. C-31090, on July 17, 1997, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated September 6, 1997 at Sacramento, California.



Iris Abernathy,
Transcriber